

**ORDINANCE NO. 041202-Z-18**

**AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING, REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 10116 SOUTH IH-35 SERVICE ROAD SOUTHBOUND AND 9800-10000 SOUTH FIRST STREET FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT FOR TRACT ONE-A AND GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT FOR TRACT ONE-B.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district on the property described in Zoning Case No. C14-04-0124, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One-A: From interim rural residence (I-RR) district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district.

A 50.805 acre tract of land, more or less, out of the S.F. Slaughter League Survey No. 1, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract One-B: From interim rural residence (I-RR) district to general commercial services-conditional overlay (CS-CO) combining district.

A 58.440 acre tract of land, more or less, out of the S.F. Slaughter League Survey No. 1, and the Santiago del Valle Grant, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, (the "Property")

locally known as 10116 South IH-35 Service Road southbound and 9800-10000 South First Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The following uses of the Tract One-A are prohibited:

Automotive repair services	Automotive sales
Bail bond services	Pawn shop services
Exterminating services	Residential treatment
Drop-off recycling collection facility	

2. The following uses are prohibited uses of Tract One-B:

Adult oriented businesses	Agricultural sales and services
Bail bond services	Campground
Commercial blood plasma center	Drop-off recycling collection facility
Equipment sales	Exterminating services
Kennels	Laundry Services
Monument retail sales	Pawn shop services
Residential treatment	Transitional housing
Transportation terminal	

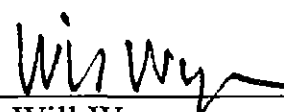
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on December 13, 2004.

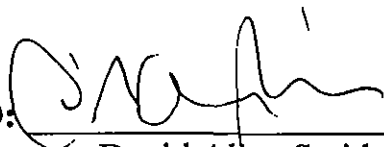
**PASSED AND APPROVED**

December 2, 2004

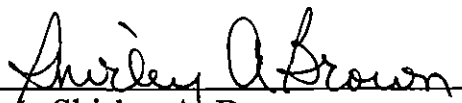
§  
§  
§

  
Will Wynn  
Mayor

APPROVED:

  
David Allan Smith  
City Attorney

ATTEST:

  
Shirley A. Brown  
City Clerk

TRACT 1A - CR - MLC-0  
C14-04-0124

DESCRIPTION

DESCRIPTION OF 50.805 ACRES OF LAND SITUATED IN THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EDWIN TABB HARRELL OF RECORD IN VOLUME 13125, PAGE 203 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 50.805 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod found in the north line of said Harrell tract, for the southeast corner of that certain tract of land described in Street Deed to the City of Austin of record in Volume 11532, page 2216 of the Real Property Records of Travis County, Texas, for the southwest corner of that certain tract of land described in deed to Able J. and Mary Ann Theriot of record in Document No. 1999055181 of the Official Public Records of Travis County, Texas and for the northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE with the north line of said Harrell tract, the south line of said Theriot tract and the north line of the herein described tract, S65°11'44"E at a distance of 1443.78 feet passing a 1/2 inch iron rod with cap set in all a total distance of 1543.17 feet to a point for the northeast corner of the herein described tract, from which a 1/2 inch iron rod with "Chaparral" cap found for the northwest corner of that certain tract of land described in deed to C.M. Gatton, Trustee of record in Document No. 2004059500 of the Official Public Records of Travis County, Texas, bears S65°11'44"E a distance of 922.42 feet;

THENCE over and across said Harrell tract, S12°16'49"W a distance of 2323.85 feet to a point in the centerline of Slaughter Creek, for the southeast corner of the herein described tract;

THENCE with the south line of the herein described tract, with the meanders of the centerline of said Slaughter Creek, the following six (6) courses:

1. S45°45'21"W a distance of 227.21 feet;
2. S43°30'00"W a distance of 191.36 feet;
3. S48°09'12"W a distance of 171.09 feet;
4. S46°46'38"W a distance of 211.45 feet;
5. S47°09'17"W a distance of 254.03 feet;
6. S74°36'31"W a distance of 363.01 feet to a point in the east right of way line of South First Street (120' R.O.W.) as described in Cause No. 2330 of record in Document No. 2000081379 of the Official Public Records of Travis County, Texas, for the southwest corner of the herein described tract;

THENCE with the east right-of-way line of South First Street and the west line of the herein described tract N21°20'02"E, passing at a distance of 96.75 feet a 1/2 inch iron rod found in all a total distance of 249.53 feet to a 1/2 inch iron rod with aluminum cap set;

THENCE leaving the east right-of-way line of South First Street with the west line of the herein described tract the following ten (10) courses:

1. N76°34'45"E a distance of 166.35 feet to a 1/2 inch iron rod with aluminum cap set;
2. N46°56'14"E a distance of 1128.23 feet to a 1/2 inch iron rod with aluminum cap set;
3. N32°19'57"W a distance of 552.11 feet to a 1/2 inch iron rod with aluminum cap set;
4. N05°18'17"E a distance of 429.00 feet to a 1/2 inch iron rod with aluminum cap set;
5. N37°24'55"E a distance of 277.94 feet to a 1/2 inch iron rod with aluminum cap set;
6. N13°13'17"W a distance of 83.26 feet to a 1/2 inch iron rod with aluminum cap set;
7. N88°14'58"W a distance of 437.26 feet to a 1/2 inch iron rod with aluminum cap set;
8. N53°43'58"W a distance of 283.69 feet to a 1/2 inch iron rod with aluminum cap set in the east right-of-way line of said South First Street;

THENCE with the east right-of-way line of said South First Street, the west line of the herein described tract the following two (2) courses:

1. N03°23'56"W a distance of 923.92 feet to a 1/2 inch iron rod with cap found at the beginning of a curve to the left, from which a 1/2 inch iron rod with "Harris" cap found in the west right of way line of said South First Street bears S86°35'25"W a distance of 120.06 feet;
2. With the arc of said curve to the left a distance of 405.76 feet, having a radius of 3952.97 feet, a central angle of 05°52'53", and a chord which bears N06°20'29"W a distance of 405.59 feet to the POINT OF BEGINNING, containing 50.805 acres of land within these metes and bounds.

Reference is herein made to the sketch accompanying this metes and bounds description

Bearing basis: Grid North, Texas State Plane Coordinate System NAD83 (CORS) Central Zone.

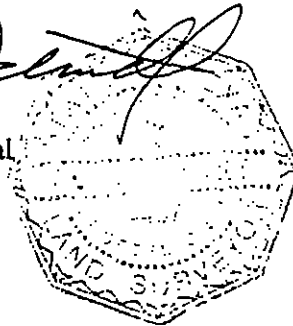
I hereby certify that this description was prepared from a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.

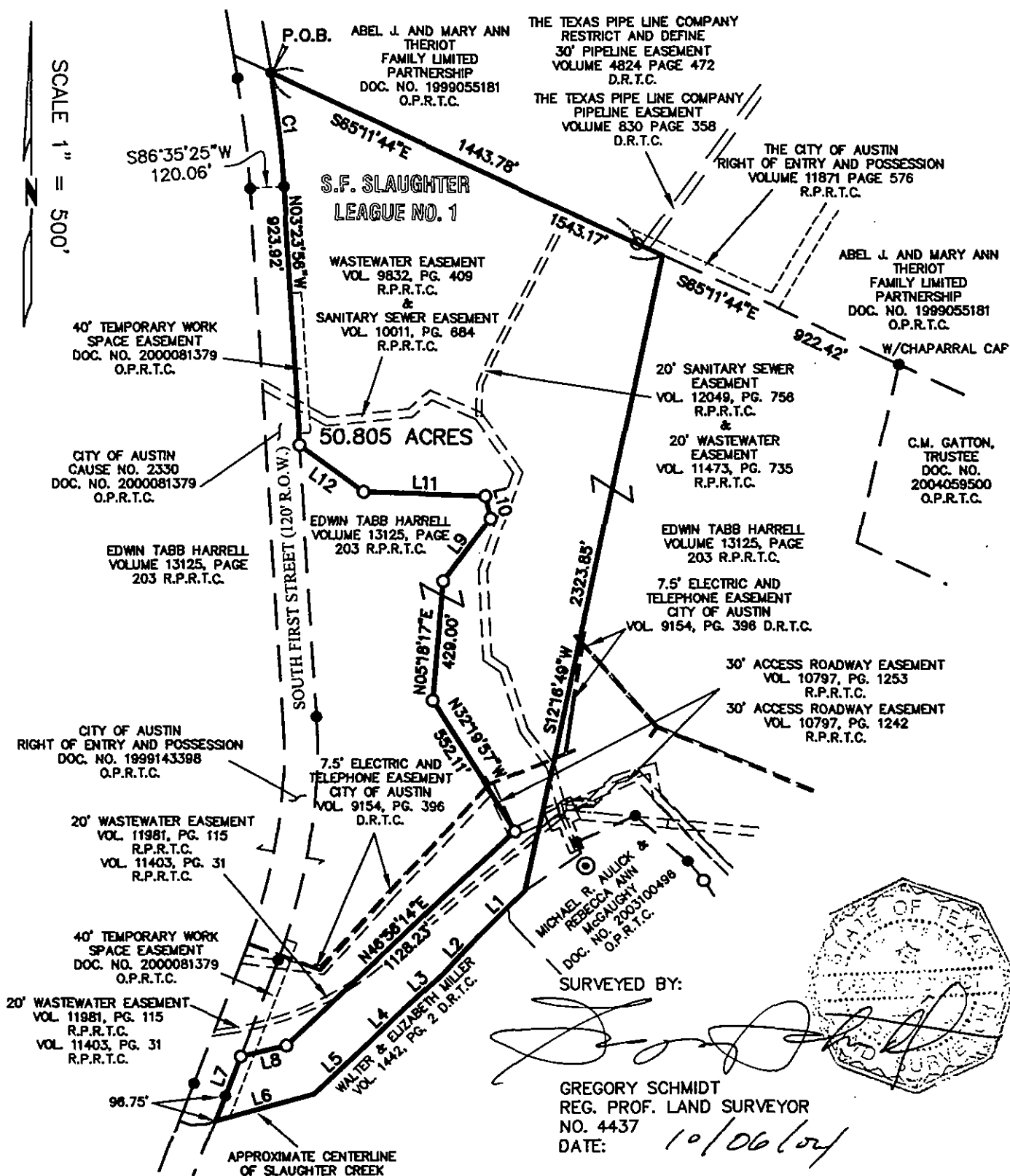
Gregory Schmidt, Registered Professional  
Land Surveyor No. 4437

Date:

10/06/04



SCALE 1" = 500'



○ 1/2" IRON ROD WITH ALUMINUM CAP SET  
● 1/2" IRON ROD FOUND (UNLESS STATED)  
P.O.B. POINT OF BEGINNING  
R.T.C. DEED RECORDS OF TRAVIS COUNTY  
P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY  
P.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY

**CA**  
**Cunningham | Allen**  
**Engineers • Surveyors**

**Fax: (512) 327-2973**

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CLIENT: -	OFFICE: cg, BW	PROJ #: 277.1101
DATE: 10/8/04	CREW: -	FILE NAME: ZONING AREA 50.805 AC

# SKETCH TO ACCOMPANY FIELD NOTES

SHEET 2 OF 2

LINE TABLE		
LINE	BEARING	LENGTH
L1	S45°45'21"W	227.21'
L2	S43°30'00"W	191.36'
L3	S48°09'12"W	171.09'
L4	S46°48'38"W	211.45'
L5	S47°09'17"W	254.03'
L6	S74°36'31"W	363.01'
L7	N21°20'02"E	249.53'
L8	N76°34'45"E	166.35'
L9	N37°24'55"E	277.94'
L10	N13°13'17"W	83.26'
L11	N88°14'58"W	437.26'
L12	N53°43'58"W	283.69'

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CH-BEARING
C1	405.76	3952.97	5°52'53"	203.06	405.59	N06°20'29"W



**Cunningham | Allen**

Engineers • Surveyors

3103 Bee Cave Road, Suite 202

Austin, Texas 78746-6819

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Fax: (512) 327-2973

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CLIENT: -  
DATE: 10/8/04

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F.B.: -

PROJ #: 277.1101  
FILE NAME: ZONING AREA 50.805 AC

DESCRIPTION

DESCRIPTION OF 58.440 ACRES OF LAND SITUATED IN THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1, AND THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EDWIN TABB HARRELL OF RECORD IN VOLUME 13125, PAGE 203 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 58.440 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with "Chaparral" cap found in the west right-of-way line of Interstate Highway 35, same being in the west line of that certain tract of land described in Condemnation No. 145 to the State of Texas, of record in Volume 1, Page 212 of the Commissioners Court Records of Travis County, Texas, and for the southeast corner of that certain tract of land described in deed to C.M. Gatton, Trustee of record in Document No. 2004059500 of the Official Public Records of Travis County, Texas, and for the most easterly northeast corner and POINT OF BEGINNING of the herein described tract, from which a 5/8" iron rod found in the east line of said Gatton tract, the west line of said Condemnation 145 and the west right-of-way line of said Interstate Highway 35, bears N12°58'08"W a distance of 352.75 feet;

THENCE S12°58'08"W with the west right of way line of said Interstate Highway No. 35, the west line of said Condemnation No. 145 and with the east line of the herein described tract, a distance of 433.28 feet to a 1/2 inch iron rod with aluminum cap set, from which a 5/8 inch iron rod found (TxDot Station 1310+00, 150' Rt.) in the west right-of-way line of Interstate Highway No. 35 bears S12°58'08"W a distance of 214.03 feet;

THENCE leaving the west right-of-way line of Interstate Highway No. 35, S85°20'34"W a distance of 1006.93 feet to a 1/2 inch iron rod with aluminum cap set ;

THENCE S03°19'41"W at a distance of 627.60 feet passing a 1/2 inch iron rod with aluminum cap set in a barbed wire fence on the occupied north line of Old San Antonio Road, in all a total distance of 628.84 feet to a point;

THENCE with a line 28 feet north and parallel with the centerline of pavement of Old San Antonio Road, N77°22'55"W a distance of 138.54 feet to a point;

THENCE N19°23'27"E at a distance of 2.90 feet passing a 1/2 inch iron with "Carson Bush" cap found for the most easterly southeast corner of that certain tract of land said to contain 0.765 acres of land in deed to Michael Richard Aulick and Rebecca Ann McGaughy of record in Document No. 2001042924 of the Official Public Records of Travis County, Texas, in all a total distance of 41.54 feet to a 1/2 inch iron rod with "Carson Bush" cap found for the most easterly northeast

corner of said 0.765 acre tract;

THENCE continuing with the south line of the herein described tract and with the northeast line of said 0.765 acre tract the following five (5) courses:

1. N42°04'55"W a distance of 58.26 feet to a 1/2 inch iron rod with "Carson Bush" cap found;
2. N40°44'31"W a distance of 52.55 feet to a 1/2 inch iron rod with "Carson Bush" cap found;
3. N32°40'25"W a distance of 224.97 feet to a 1/2 inch iron rod with cap set;
4. N37°34'57"W a distance of 91.05 feet to a 1/2 inch iron rod with "Carson Bush" cap found;
5. N48°51'32"W a distance of 248.75 feet to a 1/2 inch iron rod with "Carson Bush" cap found for the northernmost corner of said 0.765 acre tract;

THENCE continuing with the south line of the herein described tract and with the northwest line of said 0.765 acre tract, S65°54'44"W a distance of 228.63 feet to a 1/2 inch iron rod with "Carson Bush" cap found for the westernmost corner of said 0.765 acre tract;

THENCE with the southwest line of said 0.765 acre tract, S20°08'36"E a distance of 43.10 feet to the centerline of Slaughter Creek for the southwest corner of said 0.765 acre tract, same being a corner in the north line of that certain tract of land described as Tract 1, said to contain 3.354 acres of land in deed to Michael Richard Aulick and wife Rebecca Ann McGaughy of record in Volume 12070, Page 438 of the Real Property Records of Travis County, Texas, from which a 1/2 inch iron pipe found bears S20°09'26"E a distance of 49.34 feet;

THENCE continuing with the south line of the herein described tract, with the meanders of the centerline of said Slaughter Creek, S55°33'43"W a distance of 244.70 feet to a point for the southwest corner of the herein described tract;

THENCE over and across said Harrell tract with the west line of the herein described tract, N12°16'49"E a distance of 2323.85 feet to a point in the south line of that certain tract of land described in deed to Abel J. Theriot and Mary Ann Theriot of record in Document No. 1999055181 of the Official Public Records of Travis County, Texas, same being a point in the north line of said Harrell tract, for the northwest corner of the herein described tract, from which a 1/2 inch iron rod found in the east right-of-way line of South First Street (120' R.O.W.), for the southeast corner of that certain tract of land described in Street Deed to the City of Austin of record in Volume 11532, Page 2216 of the Real Property Records of Travis County, Texas, for the southwest corner of said Theriot tract, bears N65°11'44"W a distance of 1543.17 feet;

THENCE with the north line of said Harrell tract, the south line of said Theriot tract and the north line of the herein described Tract, S65°11'44"E a distance of 922.42 feet to a 1/2 inch iron rod



with "Chaparral" cap found for the northwest corner of said Gatton tract and for the northernmost northeast corner of the herein described tract, from which a 1/2 inch iron rod found for the southernmost southeast corner of said Theriot tract and the southwest corner of said Janssen tract bears S65°11'44"E a distance of 383.35 feet;

THENCE with the west line of said Gatton tract, S12°58'08"W a distance of 653.06 feet to a 1/2 inch iron rod with "Chaparral" cap found;

THENCE with the south line of said Gatton tract, S65°05'53"E a distance of 1000.04 feet to the POINT OF BEGINNING, containing 58.440 acres of land within these metes and bounds.

Reference is herein made to the sketch accompanying this metes and bounds description

Bearing basis: Grid North, Texas State Plane Coordinate System NAD83 (CORS) Central Zone.

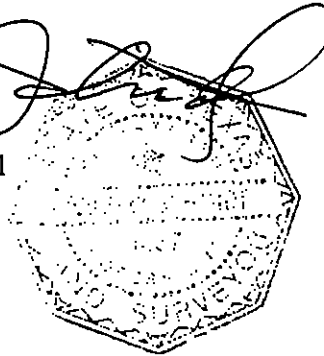
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CUNNINGHAM-ALLEN, INC.

Gregory Schmidt, Registered Professional  
Land Surveyor No. 4437

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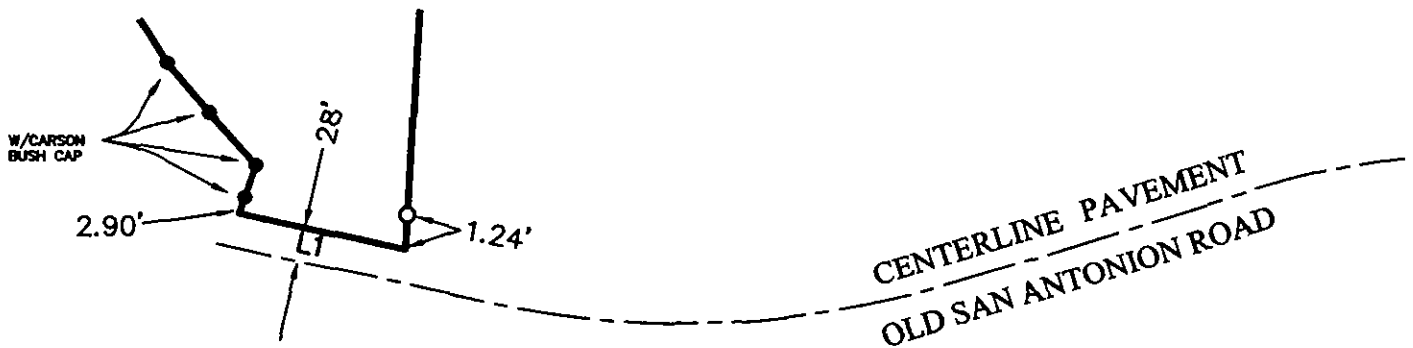


SCALE 1" = 500'

CLIENT: - OFFICE: eq. BW PROJ #: 277.1101  
DATE: 10/06/04 CREW: - F.B.: - FILE NAME: ZONING AREA 58.44 AC

SKETCH TO ACCOMPANY FIELD NOTES  
SHEET 2 OF 2

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L4	N40°44'31"W	52.55'
L5	N32°40'25"W	224.97'
L6	N37°34'57"W	91.05'
L7	N48°51'32"W	248.75'
L8	S65°54'44"W	228.63'
L9	S20°08'36"E	43.10'
L10	S55°33'43"W	244.70'
L11	S12°58'08"W	214.03'
L12	N12°58'08"E	352.72'
L13	N12°55'33"E	300.41'



DETAIL  
NOT TO SCALE

**CA**  
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